

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6562

BILL NUMBER: SB 221

NOTE PREPARED: Dec 22, 2011

BILL AMENDED:

SUBJECT: Vehicular Crimes in Highway Work Zones.

FIRST AUTHOR: Sen. Buck

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill increases penalties for certain vehicular crimes committed in a highway work zone.

The bill requires a law enforcement officer to forward to the prosecuting attorney a written report regarding certain accidents that occur in highway work zones.

The bill also removes penalty adjustments for involuntary manslaughter that involves the use of a motor vehicle.

Effective Date: July 1, 2012.

Explanation of State Expenditures: The bill changes the penalty from a Class A misdemeanor to a Class D felony if the person knowingly, intentionally, or recklessly drives in a highway work area when workers are present, with the intent to damage traffic control devices or injure a worker, engages in aggressive driving or a speed contest, or fails to obey a traffic control device or flagman.

Currently, if the person who commits the offense and has a prior similar conviction in the last five years, is intoxicated, or injures a worker at the worksite commits a Class D felony. The bill could change the offense to a Class C felony.

The bill would change the offense to a Class B felony from a Class C felony if a death occurs to a worker at the worksite.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. The average expenditure to house an adult offender was \$18,836 in FY 2011. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,591 in FY 2011. The following chart shows possible periods of incarceration depending upon mitigating and aggravating circumstances.

Felony	Prison Term	Average approximate length of stay
Class D felony	6 months to 2 years or reduction to Class A misdemeanor	10 months
Class C felony	2 to 8 years	2 years
Class B felony	2 to 20 years	3.7 years

The portion of the bill requiring a police officer to forward a written report of the incident in the work area within 24 hours to the prosecuting attorney should have no fiscal impact.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D, C, or B felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year in the county jail. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

The portion of the bill requiring a police officer to forward a written report of the incident in the work area within 24 hours to the prosecuting attorney should have no fiscal impact.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

Fiscal Analyst: Chuck Mayfield, 317-232-4825.